

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FRANK H. FINKEL, et al.,

Plaintiffs,

-against-

A.B. RECYCLING, LLC, et al.,

Defendants.
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LINDSAY, Magistrate Judge:

Before the court is the plaintiff's motion requesting a telephone conference with the court for the purpose of setting the parties' deposition schedule. That request is denied. Although, counsel has advised the court that the original deposition schedule was the result of "extensive scheduling negotiations, the parties should have been able to resolve this issue without court intervention. The trustees are correct that the discovery by one party is not a basis for any other party to delay its discovery. Fed. R. Civ. P. 26(d)(2)(B). Accordingly, the parties shall go forward with the March 4th and 5th depositions and shall meet and confer to schedule the continued deposition of Andrew Rombough.

Dated: Central Islip, New York
March 2, 2010

SO ORDERED:

/s/
ARLENE ROSARIO LINDSAY
United States Magistrate Judge